

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE MACERICH PARTNERSHIP, LLP, et al.,

Plaintiffs,

v.

MCCARTHY BUILDING COMPANIES, INC.,
et al,

Defendants.

Case No. C03-2656P

FIFTH AMENDED
ORDER SETTING TRIAL
DATE & RELATED DATES

TRIAL DATE

March 20, 2006

Deadline for joining additional parties

N/A

Deadline for filing amended pleadings

N/A

All motions related to discovery must be filed by
and noted on the motion calendar no later than the
third Friday thereafter (see CR7(d))

December 1, 2005

Fact Discovery completed by

December 9, 2005

All dispositive motions must be filed by
and noted on the motion calendar no later than the
fourth Friday thereafter (see CR 7(d))

December 20, 2005

Settlement conference per CR 39.1(c)(2) held no later than

January 19, 2006

Settlement report filed no later than

January 26, 2006

Mediation per CR 39.1(c)(3) held no later than

February 18, 2006

All motions in limine must be filed by
and noted on the motion calendar no later than the
second Friday thereafter

February 21, 2006

Agreed pretrial order due

March 8, 2006

Pretrial conference

March 10, 2006 at 3:15 p.m.

1 Trial briefs, proposed voir dire questions, proposed
2 jury instructions, and trial exhibits due

March 15, 2006

3 Length of Trial: 5 days

Jury X

4 These dates are set at the direction of the Court after reviewing the joint status report and
5 discovery plan submitted by the parties. All other dates are specified in the Local Civil Rules.
6 If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal
7 holiday, the act or event shall be performed on the next business day. These are firm dates that
8 can be changed only by order of the Court, not by agreement of counsel or the parties. The
9 Court will alter these dates only upon good cause shown: failure to complete discovery within
10 the time allowed is not recognized as good cause.

11 If the trial date assigned to this matter creates an irreconcilable conflict, counsel must
12 notify the Deputy Clerk, Eileen Scollard, in writing within 10 days of the date of this Order and
13 must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver.
14 Counsel must be prepared to begin trial on the date scheduled, but it should be understood that
15 the trial may have to await the completion of other cases.

16 **COOPERATION:**

17 As required by CR 37(a), all discovery matters are to be resolved by agreement if
18 possible. Counsel are further directed to cooperate in preparing the final pretrial order in the
19 format required by CR 16.1, except as ordered below.

20 **EXHIBITS:**

21 The original and one copy of the trial exhibits are to be delivered to chambers five days
22 before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the
23 Clerk's Office. The Court hereby alters the CR 16.1 procedure for numbering exhibits:
24 plaintiff's exhibits shall be numbered consecutively beginning with 1; defendant's exhibits shall
25 be numbered consecutively beginning with the next number series not used by plaintiff.
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1 Duplicate documents shall not be listed twice: once a party has identified an exhibit in the
2 pretrial order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder
3 with appropriately numbered tabs.

4 **SETTLEMENT:**

5 Should this case settle, counsel shall notify Eileen Scollard as soon as possible at 206-
6 370-8518. Pursuant to GR 3(b), an attorney who fails to give the Deputy Clerk prompt notice of
7 settlement may be subject to such discipline as the Court deems appropriate.

8 A copy of this Minute Order shall be mailed to all counsel of record.

9 DATED this 5th day of October, 2005.

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12 Marsha J. Pechman
13 U.S. District Judge
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